



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RX SAFES, INC.

Plaintiff,

-against-

KODIAK CAPITAL GROUP, LLC, *et al*,

Defendants.
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ORDER

16 Civ. 1095 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff, a Nevada corporation, sues defendants, which include Kodiak Capital Group, LLC and Island Capital Management, LLC. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332. Limited liability companies are deemed to be citizens of all the states in which their constituents are citizens. See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51 (2d Cir. 2000) (citing Carden v. Arkoma Assocs., 494 U.S. 185 (1990)); see also Americold Realty Trust v. Conagra Foods, Inc., — S. Ct. —, 2016 WL 854159, at *2 (Mar. 7, 2016) (No. 14-1382) (“While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”). Plaintiffs have failed to identify the members of each limited liability company and allege their citizenship.

The complaint is dismissed, with leave to replead an adequate basis of diverse citizenship within 30 days.

SO ORDERED.

Dated: March 22, 2016
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge